
EXECUTIVE SUMMARY OF PRELIMINARY RECOMMENDATIONS

EXECUTIVE SUMMARY

This Executive Summary provides an overview of the Commission's 45 Preliminary Recommendations. The recommendations are divided into three groups, which correspond to the Commission's objectives for Charter reform:

- Objective One:** Recommendations 1 to 14 support the objective of encouraging citizen participation in municipal government.
- Objective Two:** Recommendations 15 to 36 support the objective of clarifying the roles of key City officials so the public can hold them accountable.
- Objective Three:** Recommendations 37 to 45 support the objective of providing Los Angeles with a simpler Charter, resulting in a more flexible government.

Objective One

RECOMMENDATIONS TO ENCOURAGE PUBLIC PARTICIPATION

The first group of recommendations is designed to encourage public participation in government. These recommendations would make it easier for people to take part in government by enhancing access to government, improving the ground rules for elections, and enhancing the governance of the Los Angeles Unified School District.

ENHANCING ACCESS TO GOVERNMENT

- 1) **Create Charter Framework for Establishing Advisory Neighborhood Councils** – Establish a Department of Neighborhoods to facilitate the creation and maintenance of a citywide system of advisory neighborhood councils. Give the department specific objectives and deadlines for implementation. Boundaries for neighborhood councils should respect neighborhoods.
- 2) **Reduce Size of Council Districts** – Accomplished by increasing the number of City Council districts from 15 to 21.
- 3) **Make Mayor's Budget Priorities Public** – Require the Mayor to publicly state budget priorities by February 1. Actual budget proposal would continue to be submitted to the Council by April 20.

IMPROVING GROUND RULES FOR ELECTIONS

- 4) **Improve Process for Redistricting of Council Districts** – Establish a commission appointed by designated public officials to solicit and gather public input and propose changes in Council district boundaries. Boundaries would respect neighborhoods. The advisory commission would submit its recommendations to the Council.
- 5) **Permit Vote-By-Mail Elections** – Allow the Mayor and the Council to decide whether certain special elections should be conducted by mail balloting only.
- 6) **Permit Flexibility in Candidate Signature Requirement** – Maintain minimum requirement of 500 signatures on candidate nominating petitions, but allow the maximum number of petition signatures to be increased by ordinance.
- 7) **Retain Current Election Dates** – Elections should continue to be held in April and June of odd-numbered years.

- 8) **Retain Single-Day Voting** – Elections should continue to be held on a single day, with the exception of mail-only elections.
- 9) **Continue to Elect Candidates by Traditional Majority Vote** – Alternative voting processes, such as proportional representation, should not be incorporated into the Charter at this time.

ENHANCING LOS ANGELES UNIFIED SCHOOL DISTRICT GOVERNANCE

- 10) **Retain Governance of the LAUSD Board in the Charter** – The Charter should continue to include provisions that govern selection of the LAUSD Board.
- 11) **Reduce Size of LAUSD Board Districts** – Accomplished by increasing the size of the Board from 7 to 9.
- 12) **Improve Process for Redistricting of LAUSD Board Districts** – Establish a commission appointed by designated public officials to propose changes in LAUSD district boundaries. The advisory commission would be required to seek public input and submit its recommendations to the Council.
- 13) **Retain Election Process for LAUSD Board Members** – Currently each Board member is elected by voters in his/her district. The Commission recommends that LAUSD Board members continue to be elected (rather than appointed), and elected by district (rather than at-large).
- 14) **Match LAUSD Board Salaries to Responsibilities** – Salaries of Board members should be increased. An appropriate salary level has not yet been determined.

Objective Two

RECOMMENDATIONS TO CLARIFY ROLES IN CITY GOVERNMENT

The second group of recommendations is designed to clarify roles in City government. These recommendations would make it easier to know who is responsible by restructuring certain City functions and clarifying management duties.

RESTRUCTURING CERTAIN CITY FUNCTIONS

- 15) **Finance Department: Create a Department of Finance** – Reorganize most financial functions into a consolidated Department of Finance, including duties performed independently by the City Clerk and Treasurer. The Finance Department would be headed by a Director of Finance, appointed and removed by the Mayor, subject to Council approval.
- 16) **Finance Department: Transfer Treasurer** – The Treasurer's office would become part of the Department of Finance and the City Treasurer would report to the Director of Finance. However, the Treasurer would continue to be in charge of treasury functions and would continue to be appointed and removed by the Mayor, subject to Council approval in both cases.
- 17) **Finance Department: Transfer Some Functions of City Clerk** – Financial functions of the City Clerk would be moved into the Department of Finance.
- 18) **Finance: Retain Independent Controller** – The Controller should:
 - Continue to be elected.
 - Continue to be responsible for performing post-audits.
 - Oversee pre-audits, institutionalizing the decentralization of payment approvals to departments, while the Controller retains authority to hold up questionable payments for a reasonable period.
- 19) **Finance: Retain City Administrative Officer as Neutral Authority**– Retain the CAO as a neutral authority on the budget who would continue to report to both the Mayor and the City Council.
- 20) **Boost Size of Planning Commission** – Increase size of the Planning Commission from 5 to 9 members.

21) Consolidate Planning Commission and Board of Zoning Appeals –

The Charter should provide for one commission with unified planning and zoning appeal functions, and authorize additional boards to be created by ordinance.

22) Modify Council's Prop. 5 Review of Commission Decisions –

- Most Departments – The Council's Prop. 5 review process would be changed to a veto option. The Council would be able to reject Commission decisions. However, the Council would no longer have the authority to assert jurisdiction and actually make Commission decisions.
- Planning Commission – The Council's Prop. 5 review process would continue to operate in its current form. Commission decisions would be subject to assertion of jurisdiction by the Council, enabling the Council to change Commission actions.
- Ethics Commission, Pension and Retirement Boards – These bodies would be exempt from the Council's Prop. 5 review process.
- Civil Service Commission – Quasi-judicial personnel decisions of the Board of Civil Service Commissioners would be exempt from Prop. 5. These decisions involve discipline and other matters affecting individual employees.

CLARIFYING MANAGEMENT DUTIES

23) Allow General Managers to Head Certain Departments – In many cases, commissions should not manage departments. Departments should be managed by their general managers.

24) Retain Management Status of Certain Commissions – Some commissions should retain their management role. These include Ethics, Fire, Library, Pension, Police, Public Works, Recreation & Parks, Retirement, and the City's three proprietary departments (Airports, Harbor, and Water and Power). [See "*Strengthen Role of Commissions of Proprietary Departments*" recommendation.]

25) Retain Mayoral Authority to Appoint Most General Managers, Subject to Council Approval – For most departments, the Mayor would continue to appoint the general manager, subject to confirmation by the Council.

26) Allow Mayor to Remove Most General Managers Without Council Approval – Currently the Mayor requires Council approval when appointing and removing a general manager. The Commission proposes that the Mayor no longer require Council approval to remove a general manager. [See "*Strengthen Role of Commissions of Proprietary Departments*" recommendation.]

- 27) **Allow Mayor to Conduct Merit Pay Reviews** – For most departments, the Mayor alone would conduct annual merit pay reviews of general managers, within salary ranges established by the Council.
- 28) **Permit General Manager to Fill Exempt Positions** – The Council would continue to approve criteria for exempt positions. However, it would no longer approve the specific individuals selected to fill positions exempt from Civil Service.
- 29) **Keep Process for Reorganizing City Departments** – The Mayor and the Council should retain their authority to jointly reorganize City departments.
- 30) **Allow Reorganization of City Offices** – Revise the Charter to permit the reorganization of appointed City offices.
- 31) **Permit Greater Flexibility for Council to Set its Procedures** – The Council should have greater flexibility to conduct meetings outside of City Hall and to organize its work.
- 32) **Retain Current Status of City Attorney** – City Attorney should continue to be elected, overseeing both civil and criminal functions within a single office.
- 33) **Retain Council Control of Litigation** – Retain Council control over civil litigation.
- 34) **Require City Attorney to Report on Litigation** – Require City Attorney to regularly report to the Mayor and the Council on all litigation matters.
- 35) **Strengthen Role of Commissions of Proprietary Departments** – The role of the commissions of the three proprietary departments (Airports, Harbor, and Water and Power) should be strengthened. These commissions should:
 - Continue to manage their departments.
 - Appoint, remove, and evaluate the general manager, subject to Council confirmation.

36) Modify the Pension and Retirement Systems –

- Change the composition of all City pension and retirement boards to provide a voice for retired members.
- Retain the pension and retirement systems as City departments but grant these boards the power to appoint, remove, and conduct annual review of the general managers with Council approval.
- Require periodic management audits of the City pension and retirement systems.
- For all pension and retirement boards of the City, remove detailed Charter restrictions on investments, including requirement for one elected employee board member vote for purchases of real estate and substitute the broad “prudent investor” requirement found in the State Constitution.
- Remove detailed benefit descriptions for non-uniformed employees of the City but retain the detailed benefit descriptions for Fire and Police employees.

Objective Three

RECOMMENDATIONS TO SIMPLIFY THE CHARTER

The third group of recommendations is designed to simplify the Charter. These recommendations would make the Charter easier to use by streamlining and reorganizing the document.

STREAMLINING THE CHARTER DOCUMENT

- 37) **Simplify Description of City Powers** – Streamline Charter enumeration of City powers. This detailed section would be streamlined into a general statement allowing the City to exercise all lawful powers and rights.
- 38) **Include Fewer Departments in Charter** – Streamline Charter sections on departments. The following departments should be included in the Administrative Code, but no longer in the Charter: Animal Regulation, Building and Safety, Municipal Arts (currently called Cultural Affairs), Public Utilities and Transportation (currently called Department of Transportation), and Traffic (currently under Department of Transportation). Social Service would be eliminated as a Charter-mandated department, but retained as a commission in the Administrative Code.
- 39) **Retain Certain Departments in the Charter** – Retain the following departments in the Charter: Airports, Harbor, Water and Power, Personnel, Ethics, Fire, Library, Pension, Planning, Police, Public Works, Recreation & Parks, and Retirement.
- 40) **Simplify Election Provisions** – Move substantial portions of Charter sections on elections to the City Elections Code, but retain key provisions in the Charter.
- 41) **Simplify Planning Provisions** – Move much detail to the Administrative Code.
- 42) **Streamline Planning Appeal Process** – Specify in the Charter that there should be no more than one level of appeal for land-use permits, but otherwise establish permitting procedure by ordinance.

REORGANIZING THE CHARTER DOCUMENT

- 43) **Consolidate Civil Service Provisions** – Reorganize article on Civil Service and separate provisions on discipline into a separate volume of the Charter, but retain Charter protection of Civil Service system.
- 44) **Consolidate Pension and Retirement Provisions** – Reorganize articles on pension and retirement into a separate volume of the Charter, but retain Charter protection of pension and retirement systems. Remove detailed pension and retirement descriptions to the Administrative Code for the City's non-uniformed employees.
- 45) **Miscellaneous** – Eliminate obsolete or preempted provisions and move misplaced provisions to more appropriate sections of the Charter.

IN-DEPTH REVIEW OF RECOMMENDATIONS

**CITY OF LOS ANGELES
CHARTER REFORM COMMISSION**

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

SEP 28 1998

UNIVERSITY OF CALIFORNIA

PRELIMINARY CHARTER RECOMMENDATIONS

Adopted by the Commission on August 12, 1998

▪ DRAFT FOR PUBLIC COMMENT ▪

City of Los Angeles Charter Reform Commission

COMMISSIONERS

George David Kieffer, <i>Chair</i>	Linda Griego
Maryann Reyes, <i>1st Vice Chair</i>	Andrew R. Henderson
Alexandra S. Glickman, <i>2nd Vice Chair</i>	Stewart Kwoh
Dr. Marguerite Archie-Hudson	Joseph D. Mandel
LuAnn Boylan	Gloria Michel
Anton Calleia	Charley M. Mims
Jose De Sosa	Doris Isolini Nelson
Edmund D. Edelman	Judge James N. Reese (Ret.)
Andrew Friedman	Sharon Schuster
Jerry Gaines	Robert M. Wilkinson
	Dr. Charles Z. Wilson, Jr.

STAFF

Dr. Raphael J. Sonenshein, *Executive Director*
Mary Strobel, *Deputy Director*

CONTENTS

INTRODUCTION

What is the Charter Reform Commission?.....	3
Objectives of the Preliminary Recommendations.....	4
Contents of This Report.....	4
We Want To Hear From You.....	5

EXECUTIVE SUMMARY

Recommendations to Encourage Public Participation

- Enhancing Access to Government.....8
- Improving Ground Rules for Elections.....8
- Enhancing Los Angeles Unified School District Governance...9

Recommendations to Clarify Roles in City Government

- Restructuring Certain City Functions.....10
- Clarifying Management Duties.....11

Recommendations to Simplify the Charter

- Streamlining the Charter Document.....14
- Reorganizing the Charter Document.....15

IN-DEPTH REVIEW OF RECOMMENDATIONS

Recommendations to Encourage Public Participation

- Enhancing Access to Government.....17
- Improving Ground Rules for Elections.....19
- Enhancing Los Angeles Unified School District Governance...22

Recommendations to Clarify Roles in City Government

- Restructuring Certain City Functions.....24
- Clarifying Management Duties.....28

Recommendations to Simplify the Charter

- Streamlining the Charter Document.....33
- Reorganizing the Charter Document.....35

INTRODUCTION

WHAT IS THE CHARTER?

The Charter is a book of rules for governing the City of Los Angeles. No City official may enact a law or do anything that conflicts with, or is prohibited by, the Charter. No Charter provision may be added or removed without a vote of the people.

The Charter prescribes the structure of the City's government. It also imposes the limits that the people have placed on their elected representatives and on the City's government as a whole. It establishes a system of "checks and balances" between the Mayor and the Council, requiring the Mayor's approval of all ordinances, appropriations and some personnel actions adopted by the Council, and giving the Council the ability to override a Mayor's veto.

WHAT IS THE CHARTER REFORM COMMISSION?

The City of Los Angeles (Appointed) Charter Reform Commission was established by the City Council in 1996. The panel's 21 members were appointed by the City Council, City Attorney, City Controller, and Acting Mayor (President of the Council). For many months, the Commissioners have been reviewing the Los Angeles City Charter to recommend a comprehensive revision. Our final recommendations must be reviewed by the City Council before they can be placed on the ballot for a public vote.

MISSION STATEMENT

The mission of the Commission on Charter Reform is to undertake a comprehensive review of the Los Angeles City Charter, to evaluate what works well and what does not, and to address any impediments to the best possible government.

The goal of the Commission is to present a Charter that clearly defines responsibility and accountability while providing the flexibility necessary to a changing society.

We begin with the presumption that nothing is exempt from examination nor immune from reform.

Our process will be open and fair. We will endeavor to engage all constituencies that have a stake in the outcome. We will seek information and advice from citizens, community organizations, scholars, current and past City employees, and elected officials. In addition, we will review and consider the experience of other cities.

PRELIMINARY CHARTER RECOMMENDATIONS

After nearly 20 months of study, input from stakeholders and the public, and discussion among Commissioners, the City of Los Angeles Charter Reform Commission presents its preliminary recommendations for Charter reform to the public for further review and comment.

This report brings together the preliminary decisions reached by the Commission during the course of its deliberations. All decisions are considered preliminary, and may be reexamined by the Commission based on the public input received in the coming months.

OBJECTIVES OF THE PRELIMINARY RECOMMENDATIONS

The Commission aims to increase public confidence in municipal government and to accomplish three objectives through its recommendations:

- Encourage citizen participation in municipal government.
- Clarify the roles of key City officials so that the public can hold them accountable.
- Provide Los Angeles with a simpler Charter, resulting in a more flexible government.

The preliminary decisions reached by the Commission feature recommendations for reform, but they also include affirmations of current Charter provisions – a reflection of the Commission’s mission to “undertake a comprehensive review of the Los Angeles City Charter, to evaluate what works well and what does not, and to address any impediments to the best possible government.”

CONTENTS OF THIS REPORT

This report is presented in two parts:

- **Executive Summary of Preliminary Charter Recommendations** presents a brief overview of the decisions the Commission has made during the deliberations period.
- **In-Depth Review of Preliminary Charter Recommendations** examines each decision in more detail, providing background information and rationale for the decisions.

LEARN ABOUT AND COMMENT ON THE RECOMMENDATIONS

This report will serve as the foundation for the Commission's public outreach program, designed to heighten public awareness of Charter reform and to solicit feedback from L.A. residents on the Commission's preliminary proposals for reform.

The report includes background information on each of the recommendations. The Commission will also widely distribute an outreach workbook on the recommendations, providing a format for public input on any or all of the Commission's preliminary decisions. This workbook will be distributed through L.A. libraries and is available to all City residents upon request.

In addition to the workbook, the Commission will present information to the public:

- In the form of interactive displays at seven "open houses" to be held throughout Los Angeles.
- Using an electronic "survey" on the Commission's website.
- As part of a 10-minute video, in public service announcements, and in a slide show for visual presentations.

The Commission's schedule calls for consideration of public comment throughout the months of September and October. The Commission will then prepare final recommendations for a vote on December 9, 1998, followed by submission of the proposed Charter to the City Council.

WE WANT TO HEAR FROM YOU

There are several ways you can reach us for more information or with comments:

- Call our office toll-free at: **1-877-LAspeak**
- E-mail us at: **charterreform@ladwp.com**
- Take a look at our website located at: **www.charterreform.org**
- Write to us at:

City of Los Angeles Charter Reform Commission
111 N. Hope Street
P.O. Box 51111, Room L-33
Los Angeles, CA 90051

Objective One

RECOMMENDATIONS TO ENCOURAGE PUBLIC PARTICIPATION

ENHANCING ACCESS TO GOVERNMENT

- 1) **Create Charter Framework for Establishing Advisory Neighborhood Councils**
– Establish a Department of Neighborhoods to facilitate the creation and maintenance of a citywide system of advisory neighborhood councils. Give the department specific objectives and deadlines for implementation. Boundaries for neighborhood councils should respect neighborhoods.

Background: The Charter has no formal requirement that input be solicited on a neighborhood level, although the Charter does require a public hearing before certain actions, such as adoption of the budget and the General Plan, can be taken. Decision-making authority rests with the City Council, the Mayor and City commissions.

A number of City Council members have taken steps to organize community advisory councils within their own districts. The Council's Government Efficiency Committee is also considering proposals to establish a citywide system of neighborhood councils by ordinance.

The concept of neighborhood councils is untried in many areas of the City. Focus group studies conducted by a professional polling and research firm, along with testimony heard by the appointed Charter Reform Commission in communities throughout the City, show that residents across Los Angeles favor the concept of neighborhood councils. But they hold diverse opinions on how local councils should be structured. What works for one community may not work for another.

Several U.S. cities have initiated successful neighborhood council systems, but none has vested local councils with decision-making authority. Nevertheless, neighborhood boards, in cities such as New York City and Portland, have developed a substantial degree of influence on the public policy process.

Commission research indicates that New York City and Washington, D.C. are the only large cities that have Charter-authorized neighborhood councils. Many cities that have been viewed as successful models of neighborhood participation, including Portland, St. Paul, Dayton and Birmingham, have constructed their systems through ordinance.

This recommendation would require that a Department of Neighborhoods be created and charged with formulating a plan, within a specified timeframe, for a citywide system of advisory neighborhood councils. The plan would be required to:

- Involve public participation in its formulation;
- Set forth regulations that provide an opportunity for the broadest possible participation in the selection of governing boards;
- Ensure that all areas of the City be given an equal opportunity to form neighborhood councils;
- Require neighborhood councils to adopt fair and open procedures;
- Mandate that boundaries for neighborhood councils be determined by neighborhoods, unrestricted by Council district lines;
- Require that neighborhood councils be given a reasonable opportunity to provide input before specific decisions are made affecting their neighborhood;
- Identify subject areas or decisions that would be considered by neighborhood councils.

The plan would be submitted by the Department of Neighborhoods to the City Council, which would be required to make changes (if it so chose) and adopt implementing ordinances within a specified period as long as such changes met the criteria listed above. The Charter would provide that the Department's plan would become effective should the Council fail to act within the set timeframe. The Charter would require a review of the neighborhood council system by an advisory commission within five years of the adoption of implementing ordinances.

2) Reduce Size of Council Districts – Accomplished by increasing the number of City Council districts from 15 to 21.

Background: The Charter requires the City to have 15 City Council members elected from 15 districts of equal population. Since this provision was adopted in 1925, Los Angeles has grown to have the largest ratio of residents to Councilmember of any city in the U.S. – more than 230,000 to 1. The large size of Council districts limits Councilmembers' accessibility to constituents and excludes many communities of interest from representation.

Increasing the size of the Council to 21 would increase representation

opportunities for all residents, particularly for smaller communities of interest. In addition, it would provide greater public access to Councilmembers, with the ratio of residents to Councilmembers reduced to 166,000 to 1, while maintaining efficiency of the legislative process.

Research on legislative bodies suggests that drastic changes in legislative size can have serious consequences for the institution. An increase that is too dramatic can make the legislative body unwieldy, creating a negative effect on governance. Councilmember authority would weaken and Councilmembers may become more focused on parochial interests, losing sight of citywide concerns.

- 3) **Make Mayor's Budget Priorities Public** – Require the Mayor to publicly state budget priorities by February 1. Actual budget proposal would continue to be submitted to the Council by April 20.

Background: Although the current budget process works well in producing timely budgets, it provides little opportunity for public input, especially during the preparation of the Mayor's proposed budget. An early mayoral announcement of budget priorities would facilitate public input. The Mayor would continue to submit the actual budget proposal to the Council by April 20.

IMPROVING GROUND RULES FOR ELECTIONS

- 4) **Improve Process for Redistricting of Council Districts** – Establish a commission appointed by designated public officials to solicit and gather public input and propose changes in Council district boundaries. Boundaries would respect neighborhoods. The advisory commission would submit its recommendations to the Council.

Background: The current Charter requires the City Council to redistrict the City into 15 districts every 10 years, and that districts contain, as nearly as practicable, one-fifteenth of the total population of the City as shown by the most recent federal census. The Council accomplishes redistricting through ordinance, which is sent to the Mayor for signature or veto. The Council can override the Mayor's veto by a 2/3rds majority.

The current Charter requires districts to be defined by natural boundaries or street lines, but it does not require the Council to consider neighborhood boundaries. And while the Voting Rights Act precludes the Council from violating the representation rights of specified minority groups, there is no bar to using the process for political purposes.

The goals of these recommended changes are to: 1) reduce political gerrymandering, 2) keep neighborhoods and communities of interest intact when possible, and 3) facilitate greater public input.

The Commission recommends that an advisory redistricting commission be composed in the following manner: appointments by the City Council (one appointment per district), three by the Mayor, one by the City Attorney, one by the City Controller and one by the City Council President. The commission would be appointed before the United States Census is released, in order to expedite the redistricting process. The Commission would be required to seek public input throughout the process. The Charter would require keeping neighborhoods intact, as much as feasible, when drawing district lines.

- 5) **Permit Vote-By-Mail Elections** – Allow the Mayor and the Council to decide whether certain special elections should be conducted by mail balloting only.

Background: The Charter requires a polling place for each precinct for City elections, including special elections that traditionally have low voter turnout. Voters, however, may request absentee ballots in advance of the election date to vote by mail. A number of states, counties, and cities have found that election costs decrease and voter turnout increases in vote-by-mail elections, with relatively little evidence of fraud.

The Charter would be changed to allow the Mayor and the Council to conduct certain special City elections by mail balloting only. The ability to use vote-by-mail methods would be limited to special elections, and would not be available for general municipal elections so that the overall effect of this new voting system can be assessed. Special elections are generally held for non-routine ballot items including Charter amendments, bond measures, and recalls of elected officials.

- 6) **Permit Flexibility in Candidate Signature Requirement** – Maintain minimum requirement of 500 signatures on candidate nominating petitions, but allow the maximum number of petition signatures to be increased by ordinance.

Background: The Charter currently requires candidates to submit a nominating petition with no less than 500 valid signatures of registered City voters, but no more than 1,000 total signatures. Raising the upper limit of the number of signatures that could be submitted would give prospective candidates greater opportunity to meet the minimum number of valid signatures, particularly in Council districts where voter registration levels are low. Allowing the increase to occur by ordinance, rather than by Charter amendment, would expedite desired changes and maintain flexibility in the Charter.

- 7) **Retain Current Election Dates** – Elections should continue to be held in April and June of odd-numbered years.

Background: The Charter requires that an April primary and June general election be held in odd-numbered years. Local turnout in state elections, held in June and November of even-numbered years, is consistently higher than voter participation rates in strictly municipal elections.

But shifting local elections to coincide with state elections would not guarantee increased voter turnout. When San Francisco recently changed its election procedures in this manner, the actual number of votes cast on local issues fell below the number cast in the previous “off-year” election, perhaps because of voter fatigue from a long ballot.

- 8) **Retain Single-Day Voting** – Elections should continue to be held on a single day, with the exception of mail-only elections.

Background: Currently, voting at City elections must occur at polling places or by absentee ballot. All voting at polling places must occur on a single day. The Commissioners rejected an alternative of multiple-day elections at polling places because of election management costs. The Commission did retain the option of absentee voting and recommended that all-mail elections be allowed for special elections. [See “Permit Vote by Mail Election” recommendation.]

- 9) **Continue to Elect Candidates by Traditional Majority Vote** – Alternative voting processes, such as proportional representation, should not be incorporated into the Charter at this time.

Background: Proportional voting, where representation is allocated by the proportion of votes cast, has been suggested as a method for City elections. Preference voting has also been proposed as a method that can reduce the need for run-off elections. Although innovative and appealing because of their potential to increase voter turnout, the possible effects of these voting systems in Los Angeles are unknown. Further study and development of these methods may make them appealing for the City in the future. However, in light of the questions that persist about these methods today, the Commission chose to continue the current practice of majority vote in single-member districts.

ENHANCING LOS ANGELES UNIFIED SCHOOL DISTRICT GOVERNANCE

- 10) Retain Governance of the LAUSD Board in the Charter** – The Charter should continue to include provisions that govern selection of the LAUSD Board.

Background: The LAUSD serves 728,000 students and 4 million residents. It operates all of the public schools in nine cities, including Los Angeles. The LAUSD also operates some of the public schools in 17 other cities.

State law governs most issues concerning public schools, but the State Constitution gives charter cities the authority to establish the method of selection of their school boards. L.A.'s Charter provides that seven Board of Education members be elected by district for four-year terms, and that the City Council determine Board district boundaries.

Keeping provisions that govern the LAUSD Board in the Charter will help maintain local influence over the governance of a local public agency, rather than placing it entirely in the hands of the State Legislature.

- 11) Reduce Size of LAUSD Board Districts** – Accomplished by increasing the size of the Board from 7 to 9.

Background: Increasing the number of Board members would reduce the number of constituents each Board member represents – from 607,143 to 472,222 residents.

- 12) Improve Process for Redistricting of LAUSD Board Districts** – Establish a commission appointed by designated public officials to propose changes in LAUSD district boundaries. The advisory commission would be required to seek public input and submit its recommendations to the Council.

Background: The Charter requires the City Council to draw Board district lines every 10 years. The recommended change would alter the procedure for redrawing Board districts to include an advisory redistricting commission that would include representatives from LAUSD areas located outside City limits. It would also require the commission to seek public input.

The commission would consist of members appointed by the LAUSD Board (one appointment per district), four by the City Council President, and four by the Mayor. The Council President and the Mayor would each be required to include one appointee from within the LAUSD, but outside City limits. This recommendation would improve representation for the District's 4 million residents, including those who live outside L.A. City limits, and make the redistricting process more open and fair.

- 13) **Retain Election Process for LAUSD Board Members** – Currently each Board member is elected by voters in his/her district. The Commission recommends that LAUSD Board members continue to be elected (rather than appointed), and elected by district (rather than at-large).

Background: The 1978 shift from at-large to district elections increased minority representation on the Board and offered better opportunities for regional representation.

- 14) **Match LAUSD Board Salaries to Responsibilities** – Salaries of Board members should be increased. An appropriate salary level has not yet been determined.

Background: Board members currently are paid \$24,000 per year and have not received a pay increase in 15 years. Commissioners believed that this salary does not reflect the time and effort required by Board members to fulfill their responsibilities.

Objective Two

RECOMMENDATIONS TO CLARIFY ROLES IN CITY GOVERNMENT

RESTRUCTURING CERTAIN CITY FUNCTIONS

- 15) Finance Department: Create a Department of Finance** – Reorganize most financial functions into a consolidated Department of Finance, including duties performed independently by the City Clerk and Treasurer. The Finance Department would be headed by a Director of Finance, appointed and removed by the Mayor, subject to Council approval.

Background: The Charter currently divides financial functions among a number of appointed and elected offices. Creation of a Department of Finance would increase the likelihood that a system of unified financial management will be developed for City government.

- 16) Finance Department: Transfer Treasurer** – The Treasurer's office would become part of the Department of Finance and the City Treasurer would report to the Director of Finance. However, the Treasurer would continue to be in charge of treasury functions and would continue to be appointed and removed by the Mayor, subject to Council approval in both cases.

Background: Moving the Treasurer to the Department of Finance would enhance a unified financial management system. Retaining separate confirmation of the Treasurer would provide an additional check on investment decisions.

- 17) Finance Department: Transfer Some Functions of City Clerk** – Financial functions of the City Clerk would be moved into the Department of Finance.

Background: The Charter currently designates the City Clerk as the tax collector. This function would be moved into the Department of Finance.

18) Finance: Retain Independent Controller – The Controller should:

- Continue to be elected.
- Continue to be responsible for performing post-audits.
- Oversee pre-audits, institutionalizing the decentralization of payment approvals to departments, while the Controller retains authority to hold up questionable payments for a reasonable period.

Background: The current Charter provides the Controller with the responsibility to approve payments before they are made, and with post-auditing responsibilities. These important checks would be retained, but more flexibility would be built in for delegation of these duties.

19) Finance: Retain City Administrative Officer as Neutral Authority– Retain the CAO as a neutral authority on the budget who would continue to report to both the Mayor and the City Council.

Background: The current Charter provisions would be retained. An independent source of centralized budget information has helped the City develop budgets in a thoughtful and collegial manner.

20) Boost Size of Planning Commission – Increase size of the Planning Commission from 5 to 9 members.

Background: This increase would help to incorporate a wider array of viewpoints into the Planning Commission. It is more in keeping with the size of planning commissions in other large U.S. cities.

- 21) **Consolidate Planning Commission and Board of Zoning Appeals** – The Charter should provide for one commission with unified planning and zoning appeal functions, and authorize additional boards to be created by ordinance.

Background: The Board of Zoning Appeals and the Planning Commission were created in the Charter to perform distinct functions. The BZA was designed to perform a quasi-judicial function, ruling on individual appeals, and the Planning Commission was established to play a policy-setting role, making recommendations to the Council on zoning regulations and the General Plan. The passage of subsequent ordinances, however, such as one giving the Planning Commission decision-making authority over certain conditional use permits, has blurred this distinction.

Consolidating the boards would streamline the current process and reduce public confusion. Giving the Council and the Mayor the option to create more boards in the future would allow for flexibility, should workload increase.

22) Modify Council's Prop. 5 Review of Commission Decisions –

- Most Departments – The Council's Prop. 5 review process would be changed to a veto option. The Council would be able to reject Commission decisions. However, the Council would no longer have the authority to assert jurisdiction and actually make Commission decisions.
- Planning Commission – The Council's Prop. 5 review process would continue to operate in its current form. Commission decisions would be subject to assertion of jurisdiction by the Council, enabling the Council to change Commission actions.
- Ethics Commission, Pension and Retirement Boards – These bodies would be exempt from the Council's Prop. 5 review process.
- Civil Service Commission – Quasi-judicial personnel decisions of the Board of Civil Service Commissioners would be exempt from Prop. 5. These decisions involve discipline and other matters affecting individual employees.

Background: The Charter amendment commonly known as Prop. 5 was approved by voters in 1991. It allows the City Council to assert jurisdiction over a City commission within five days of a commission decision. If jurisdiction is asserted, the Council may, within 21 days, adopt or reject the commission action, or it may take a new action that overrides the commission action. The appointed Commission recommended the following changes to Prop. 5:

- Most Departments – The Council's Prop. 5 review process would be changed to a veto option. Council would be able to reject commission decisions. Under this modified Prop. 5, Council would be given 14 days to review a commission decision and decide whether to exercise the veto option. Within this 14-day period, the Council could reject the commission action by a 2/3rds vote, but it would not be able to *change* the commission action.

In addition, the Prop. 5 process would be made less cumbersome by permitting the Council to waive its right to Prop. 5 review. This waiver could occur before or after a commission action, or could be a permanent waiver for certain classes of decisions.

- Planning Commission – The Council's Prop. 5 review process would continue to operate in its original format. Commission decisions would be subject to assertion of jurisdiction by the Council, enabling the Council to change commission actions.

However, the Council could waive its right to Prop. 5 review, as described above.

- Ethics Commission, Pension and Retirement Boards – These bodies would be exempt from the Council's Prop. 5 review process. The Ethics Commission should be exempt because the commission makes decisions that should not be subject to political pressure. The Pension and Retirement Boards would be exempt because, under State law, they have fiduciary responsibilities over trust assets.

CLARIFYING MANAGEMENT DUTIES

- 23) Allow General Managers to Head Certain Departments** – In many cases, commissions should not manage departments. Departments should be managed by their general managers.

Background:

- Commissions Should Not Manage – In many cases, commissions should not manage departments. Commissions serve an important oversight function. They also provide a forum for public input. However, most commissions should not play the primary management role in a department. Departments, in general, should be managed by their general managers.
- Exceptions – These include Fire, Library, Pension, Police, Public Works, Recreation and Parks, and Retirement. These commissions would continue to manage. [See "*Strengthen Role for Proprietary Commissions*" recommendation.]

The authority of managing commissions has been greatly diluted by voter-endorsed Charter changes over the years. At one time, department-head board members were appointed to fixed terms without discretionary removal by the Mayor. They hired and fired general managers and their decisions, in general, were not subject to appeal. Today, lines of accountability are blurred, as the Mayor now appoints and removes general managers with City Council approval, and commission decisions are subject to Council reversal via Prop. 5.

The structure of City government, in many instances, has evolved away from strong independent commissions. There should be clear lines of authority between the general manager and the Mayor. However, commissions serve a very important advisory and oversight role. They provide a valuable forum for the public.

24) Retain Management Status of Certain Commissions – Some commissions should retain their management role. These include Ethics, Fire, Library, Pension, Police, Public Works, Recreation & Parks, Retirement, and the City's three proprietary departments (Airports, Harbor, and Water and Power). [See *"Strengthen Role of Commissions of Proprietary Departments" recommendation.*]

Background: The Commission agreed that department-head status should be limited to certain commissions, in order to improve lines of accountability in City government. These commissions carry out important advisory and oversight roles for their departments. Because of this, their functions that should not be left to ordinance:

- Ethics
- Fire
- Library
- Pension
- Police
- Public Works
- Recreation & Parks
- Retirement

25) Retain Mayoral Authority to Appoint Most General Managers, Subject to Council Approval – For most departments, the Mayor would continue to appoint the general manager, subject to confirmation by the Council.

Background: Currently, the Council must approve all hiring of general managers. To avoid the risk of cronyism and political paybacks, the Charter should continue to require that the Council approve the Mayor's appointees.

26) Allow Mayor to Remove Most General Managers Without Council Approval – Currently the Mayor requires Council approval when appointing and removing a general manager. The Commission proposes that the Mayor no longer require Council approval to remove a general manager. [See *"Strengthen Role of Commissions of Proprietary Departments" recommendation.*]

Background: To enhance accountability and effective management, the Mayor should be able to remove general managers of non-proprietary departments without Council approval. This would make the Mayor clearly responsible for managing the City's workforce and the delivery of its services.

- 27) **Allow Mayor to Conduct Merit Pay Reviews** – For most departments, the Mayor alone would conduct annual merit pay reviews of general managers, within salary ranges established by the Council.

Background: Currently, the Mayor and the City Council both review pay raises for general managers, obscuring lines of authority.

- 28) **Permit General Manager to Fill Exempt Positions** – The Council would continue to approve criteria for exempt positions. However, it would no longer approve the specific individuals selected to fill positions exempt from Civil Service.

Background: The City Council is currently required to approve both the position and the personnel for an exempt position. This second approval has created a bottleneck in hiring and obscures accountability. The general manager should have authority to hire the person who meets the specifications in the most effective manner.

- 29) **Keep Process for Reorganizing City Departments** – The Mayor and the Council should retain their authority to jointly reorganize City departments.

Background: This process works effectively and should be retained. Allowing the Mayor sole authority to reorganize departments would be inconsistent with the Commission's view that both the Mayor and the Council are the City's principal policy-setting bodies.

- 30) **Allow Reorganization of City Offices** – Revise the Charter to permit the reorganization of appointed City offices.

Background: The current Charter allows the Mayor and the Council to reorganize departments. Expanding this authority to include appointed offices would enhance flexibility and potentially improve efficiency in City operations.

- 31) Permit Greater Flexibility for Council to Set its Procedures** – The Council should have greater flexibility to conduct meetings outside of City Hall and to organize its work.

Background: Currently, the Charter requires the City Council to meet at least three times a week at City Hall. Allowing the Council to regularly hold meetings outside City Hall, possibly in different districts if it chooses, would send a positive signal to the community.

The Charter also requires the City Council to organize itself into 15 committees, each chaired by a different member. The Council could work more efficiently if it were not required to organize itself in one particular fashion. However, safeguards should be provided so that no members are barred from committee participation.

- 32) Retain Current Status of City Attorney** – City Attorney should continue to be elected, overseeing both civil and criminal functions within a single office.

Background: The Commission determined that the current system, though flawed in some ways, was preferable to a new system in which City Attorneys would be politically dependent on an appointing authority. A unified office may also be less costly to operate than separate criminal and civil offices.

- 33) Retain Council Control of Litigation** – Retain Council control over civil litigation.

Background: The Commission considered several alternatives regarding the control of civil litigation. The Commission turned down motions to give the Mayor veto power over City Council actions regarding litigation. Some discussion focused on the creation of a Claims Board to review litigation. However, to retain flexibility, the Commission decided that the creation of such a board should be left to ordinance.

- 34) Require City Attorney to Report on Litigation** – Require City Attorney to regularly report to the Mayor and the Council on all litigation matters.

Background: Requiring the City Attorney to report on litigation matters to the Mayor would address concerns that the Mayor is currently excluded from the litigation process and cannot effectively hold departments accountable.

35) Strengthen Role of Commissions of Proprietary Departments – The role of the commissions of the three proprietary departments (Airports, Harbor, and Water and Power) should be strengthened. These commissions should:

- Continue to manage their departments
- Appoint, remove, and evaluate the general manager, subject to Council confirmation.

Background: The proprietary commissions manage departments that control their own funds and face changing marketplace conditions. Their independence and ability to act efficiently should be enhanced.

36) Modify the Pension and Retirement Systems –

- Change the composition of all City pension and retirement boards to provide a voice for retired members.
- Retain the pension and retirement systems as City departments but grant these boards the power to appoint, remove, and conduct annual review of the general managers with Council approval.
- Require periodic management audits of the City pension and retirement systems.
- For all pension and retirement boards of the City, remove detailed Charter restrictions on investments, including requirement for one elected employee board member vote for purchases of real estate and substitute the broad “prudent investor” requirement found in the State Constitution.
- Remove detailed benefit descriptions for non-uniformed employees of the City but retain the detailed benefit descriptions for Fire and Police employees.

Background: The City’s pension and retirement systems provide an important incentive for retention of a competent and dedicated municipal work force. The Commission decided that the boards overseeing the systems should have greater independence and that there should be representatives elected from the retired members of the system. Proposed changes would place retired members on each pension and retirement board and these boards would be given direct authority to hire and fire the system managers. In addition, the removal of obsolete investment restrictions and detailed non-uniformed employee retirement benefit descriptions would reduce the bulk of the Charter while preserving all rights of the system beneficiaries.

Objective Three

RECOMMENDATIONS TO SIMPLIFY THE CHARTER

STREAMLINING THE CHARTER DOCUMENT

- 37) **Simplify Description of City Powers** – Streamline Charter enumeration of City powers. This detailed section would be streamlined into a general statement allowing the City to exercise all lawful powers and rights.

Background: A detailed listing of City powers is unnecessary, and creates the risk that some legitimate powers might be unintentionally excluded.

- 38) **Include Fewer Departments in Charter** – Streamline Charter sections on departments. The following departments should be included in the Administrative Code, but no longer in the Charter: Animal Regulation, Building and Safety, Municipal Arts (currently called Cultural Affairs), Public Utilities and Transportation (currently called Department of Transportation), and Traffic (currently under Department of Transportation). Social Service would be eliminated as a Charter-mandated department, but retained as a commission in the Administrative Code.

Background: The current system of detailing departments in the Charter limits flexibility and contributes to a lack of accountability and efficiency in the delivery of services. Under the current Charter, the Mayor and the City Council are authorized to change a Charter department by ordinance through a process requiring a 2/3rds Council vote and a mayoral signature, or a 3/4ths Council vote without the Mayor's signature.

Reducing the number of departments and the amount of detail on departments in the Charter could help provide greater flexibility, accountability and efficiency in the delivery of services. This should help change the Charter from a detailed operations manual into a more general statement of principles.

- 39) Retain Certain Departments in the Charter** – Retain the following departments in the Charter: Airports, Harbor, Water and Power, Personnel, Ethics, Fire, Library, Pension, Planning, Police, Public Works, Recreation & Parks, and Retirement.

Background: In deciding which commissions and departments should remain in the Charter, the appointed Commission applied the following criteria: "Is the delegation of authority to a particular commission or department something that should be reserved to the people in the Charter?" The Commission chose to retain these departments in the Charter because these departments were seen as carrying out quasi-judicial functions, or other activities that should not be left to ordinance.

- 40) Simplify Election Provisions** – Move substantial portions of Charter sections on elections to the City Elections Code, but retain key provisions in the Charter.

Background: To preserve some advantages of local electoral procedures, key election provisions should be retained in the Charter. If these provisions were removed from the Charter, our election procedures would be subject to the rules imposed by State law.

However, many details can be moved to the City Elections Code. In light of this, the Charter should include a safeguard: that the Elections Code cannot be modified to affect a pending election.

- 41) Simplify Planning Provisions** – Move much detail to the Administrative Code.

Background: Article VIII of the Charter contains a large amount of detail that provides, among other things, for the establishment of a General Plan Advisory Board to assist the planning director and procedures on the adoption of the General Plan, specific plans, zoning regulations, and approval of public projects and uses.

L.A.'s Charter contains detail well beyond that required by State law. It is more detailed than the charters of most other large U.S. cities. Some of the Charter's provisions are either duplicative of, or preempted by, State law.

A substantial amount of detail on planning and land use should be moved to the Administrative Code. This change will make the Charter more flexible and will allow many procedural details to be changed by ordinance so the City can adapt more quickly to changing needs.

- 42) Streamline Planning Appeal Process** – Specify in the Charter that there should be no more than one level of appeal for land-use permits, but otherwise establish permitting procedure by ordinance.

Background: The land-use permit and appeal process is detailed partially in the Charter and partially in ordinance. The Charter makes the Office of Zoning Administration the first decision-making body for variances on individual projects. Its decisions may be appealed to the Board of Zoning Appeals (BZA). If the BZA grants a variance, its decision may be appealed to the City Council, whose decision must be approved by the Mayor. If necessary, the Council may override a mayoral veto. This multiple-level review process involves potentially five different decision points.

Allowing only one level of appeal in the Charter would simplify the permitting process and could lead to more timely decisions. Leaving all other details of the permitting process to ordinance would enhance flexibility. Any mayoral review would be exempted from the one-level review requirement.

REORGANIZING THE CHARTER DOCUMENT

- 43) Consolidate Civil Service Provisions** – Reorganize article on Civil Service and separate provisions on discipline into a separate volume of the Charter, but retain Charter protection of Civil Service system.

Background: This reorganization will enhance the coherence and readability of the Charter, while maintaining the Charter's commitment to the Civil Service system.

- 44) Consolidate Pension and Retirement Provisions** – Reorganize articles on pension and retirement into a separate volume of the Charter, but retain Charter protection of pension and retirement systems. Remove detailed pension and retirement descriptions to the Administrative Code for the City's non-uniformed employees.

Background: This reorganization will enhance the coherence and readability of the Charter, while maintaining the Charter's commitment to pension and retirements systems.

- 45) Miscellaneous** – Eliminate obsolete or preempted provisions and move misplaced provisions to more appropriate sections of the Charter.

Background: This change will make the Charter more accessible to the public.



Comments? Questions?

Call our office toll-free at:

1-877-LAspeak

E-mail us at:

charterreform@ladwp.com

Visit our website at:

www.charterreform.org

Write to us at:

City of Los Angeles Charter Reform Commission

111 N. Hope Street

P.O. Box 51111, Room L-33

Los Angeles, CA 90051